

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 18, 1995
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Public Works Director Ronsko, Parks and Recreation Director Williamson, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Greg Myers, Zion Reformed Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to representatives of St. Anne's Catholic School proclaiming the week of January 29 - February 4, 1995 as "Catholic Schools Week" in the City of Lodi.
FILE NO. CC-37
- b) Mayor Mann presented a proclamation to Joanne Donovan, American Association of United Women, Lodi Branch President, proclaiming the year of 1995 as "The Woman Suffrage Diamond Jubilee".
FILE NO. CC-37
- c) Mayor Mann presented a proclamation to Mike Nilssen with American Medical Response for his many commitments to the City of Lodi. Mr. Nilssen is leaving Lodi to take a position with his company in Oregon.
FILE NO. CC-37
- d) Mayor Mann presented proclamations to retiring volunteers of the Boosters of Boys/Girls Sports Organization (BOBS): Ed Wall and Larry Simpfenderfer (Mr. David Akin was not present at the meeting).
FILE NO. CC-37
- e) Dr. Rick Turner, President of the Kiwanis Club of Greater Lodi, presented the Mayor with a check in the amount of \$1,500 towards the Lodi Lake playground equipment.
FILE NO. CC-6 AND CC-27(c)
- f) Phil Lenser, President with the Lodi Rotary Club, presented Mayor Mann with the club's project of installing a new "Lodi Lake Park" sign at the entrance of this facility.
FILE NO. CC-6 AND CC-27(c)

- g) Jerry Glenn with the Lodi Kiwanis Club presented Mayor Mann with the club's project of a picnic area (including picnic pad, tables and barbecue) at Kofu Park.
FILE NO. CC-6 AND CC-27(c)
- h) Public Works Director Ronsko presented a report to the City Council regarding the City's storm drain system during the recent storms. The system functioned very well and Mr. Ronsko complimented his Department for the fine work it did. There were some areas of minor flooding and some clogged catch basins which were taken care of immediately. Mr. Ronsko thanked the citizens for calling in the trouble spots so his staff could respond right away. Over all, Mr. Ronsko is pleased with how the system handled the storm.
FILE NO. CC-6 AND CC-176

5. COMMENTS BY PUBLIC ON CONSENT CALENDAR ITEMS

- a) Brad Frechette, 437 East Tokay Street, Lodi, commented on item #E-5 entitled, "Reject all bids and authorize readvertisement for bids for 1995 Sidewalk Repair Program and Miscellaneous Concrete Work". Mr. Frechette understood the reasoning for rejecting the bids; however, expressed his concern that the bid prices were now known to all bidders.
FILE NO. CC-12(b)

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$2,925,243.19.
FILE NO. CC-21(a)
- b) The Minutes of January 4, 1995 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for bids for water well No. 1 abandonment, 230-1/2 East Lodi Avenue and authorized advertising for bids.
FILE NO. CC-12.1(c)
- d) Approved the specifications for bids for turf fertilizer for the Parks Department and authorized advertising for bids.
CC-12.1(c)
- e) Agenda item #E-5 entitled, "Reject all bids and authorize readvertisement for bids for 1995 Sidewalk Repair Program and Miscellaneous Concrete Work" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Pennino.)
- f) Accepted the improvements under the "Pig's Lake Levee Repair" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-27(c) AND CC-90
- g) Accepted the improvements under the "City Hall Annex Parking Lot, 211 West Oak Street" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90

- h) Adopted Resolution No. 95-04 accepting the development improvements for Century Meadows One, Unit No. 1, Tract No. 2570.
FILE NO. CC-46 AND CC-300
- i) Adopted Resolution No. 95-05 approving the State Cooperative Agreement No. 10-889 between the City of Lodi and the State of California covering the installation and maintenance of traffic signals and safety lighting at the intersection of Tienda Drive and Kettleman Lane (Highway 12).
CC-48(h), CC-90 AND CC-300
- j) Adopted Resolution No. 95-06 granting permission to destroy the following records in the Lodi Police Department in excess of five years of age:
- Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees.
 - Background investigations of previous applicants not hired, over five years old.
 - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
 - Investigations of citizens' complaints over five years old.
- FILE NO. CC-6, CC-34 AND CC-300
- k) Agenda item #E-11 entitled, "Vehicle release fee (impounded vehicles) for the Police Department" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- l) Agenda item #E-12 entitled, "Purchase of Special Weapons and Tactics (SWAT) Team equipment for two additional team members" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- m) Agenda item #E-13 entitled, "Siting of University of California campus at Lake Yosemite, Merced" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Sieglock.)

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Warner second, adopted Resolution No. 95-03 rejecting all the bids for the 1995 Sidewalk Repair Program and Miscellaneous Concrete Work project and authorized readvertising for bids with amended specifications which includes a two-hour response time (instead of a 25 mile distance requirement) and further those who bid previously on the project will be allowed to bid this next time by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12(b) AND CC-300

- b) The City Council, on motion of Council Member Warner, Sieglock second, adopted Resolution No. 95-07 authorizing the increase in the vehicle release fee (impounded vehicles) in the Lodi Police Department from \$30.00 to \$45.00 to pay for the administrative cost of this program by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-56, CC-152 AND CC-300

- c) The City Council, on motion of Council Member Pennino, Sieglock second, authorized the expenditure of Asset Seizure funds in the amount of \$4,950 to purchase initial start-up equipment for a Special Weapons and Tactics (SWAT) Officer, in addition to \$4,950 which will be spent from the Confiscated Weapons Account by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-21(a) AND CC-152

- d) The City Council, on motion of Council Member Sieglock, Pennino second, adopted Resolution No. 95-10 supporting the Merced Lake Yosemite site for the tenth campus of the University of California by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-6 AND CC-300

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Reimbursement Agreement #RA-95-01 for public improvements for Century Meadows One, Unit No. 1.

Hearing Opened to the Public

1. Steve Pechin, Baumbach & Piazza, 323 West Elm Street, Lodi, expressed his support for the Reimbursement Agreement and further answered questions from the City Council.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously approved Reimbursement Agreement #RA-95-01 for public improvements in Meadowbrook Drive constructed with the Century Meadows One, Unit No. 1 subdivision.
FILE NO. CC-46 AND CC-90

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- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Resolution/Order to vacate the alley west of Washington Street, from Cherry Street to 93.68 feet north of East Vine Street

Hearing Opened to the Public

1. John Spero, property owner of 232 Cherry Street, Lodi, spoke in support of the proposed alley abandonment.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution/Order No. 95-08 vacating the alley west of Washington Street, from Cherry Street to 93.68 feet north of East Vine Street and further approved the condition that a permanent easement be reserved.

FILE NO. CC-45(a) AND CC-52(a) AND CC-300

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Sieglock, Warner second, unanimously rejected the following claims and referred them back to ICA:

1. Michael Huff, date of loss 12/9/94;
2. Samuel Nives-Varela, date of loss 7/12/94; and
3. Dixie Perryman, date of loss 6/26/94.
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Jose R. Tapia to Juan Garcia, El Nuevo Guadalajara, 121 North Sacramento Street, Lodi, On Sale Beer and Wine, Person to Person Transfer;
2. Jose R. Tapia to Juan Garcia, Rainbow Club, 116 North Sacramento Street, Lodi, On Sale Beer and Wine, Person to Person Transfer; and
3. Guiseppe Cusumano to Tammy S. Lagorio, Jo Jo, 2400 West Turner Road #102, Lodi, On Sale Beer and Wine, Person to Person Transfer.

Police Chief Hansen informed the City Council that he has formally filed a request with the ABC Board that the licenses for Mr. Tapia be revoked. ABC has indicated that it will try to revoke the licenses. In the meantime, the Person to Person Transfers are being put on hold until an administrative hearing on this matter can be held. Police Chief Hansen will attend the hearing.

FILE NO. CC-7(f)

- c) The following report was presented to the City Council:
1. Planning Commission report of January 9, 1995.
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Sieglock, Pennino second, unanimously directed the City Clerk to post for the following vacancies on the Senior Citizens Commission:

Senior Citizens Commission

Mike Nilssen	Term to expire December 31, 1996
Joan Rostomilly	Term to expire December 31, 1996

FILE NO. CC-2(i)

- e) The City Council, on motion of Council Member Warner, Pennino second, unanimously made the following appointment to the Site Plan and Architectural Review Committee (SPARC):

Site Plan and Architectural Review Committee (SPARC)

Keith Sellese	Term to expire January 1, 1999
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FILE NO. CC-2(l)

- f) The City Council, on motion of Council Member Sieglock, Warner second, unanimously expanded the Information Superhighway Task Force from five appointed members to seven and further made the following appointments:

Information Superhighway Task Force

Ken Jones, Director of Information Technology, Lodi Unified School District
Del Heintz, General Manager, King Videocable

FILE NO. CC-2(a)

10. **RECESS**

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 8:38 p.m.

11. REGULAR CALENDAR

- a) Regarding the Westgate Park design, the City Council, on motion of Council Member Sieglock, Pennino second, directed staff to proceed with the Plan "B" park design (the one recommended by the City's consultant, Jerry Draggoo) with the following amendments:

- Eliminate the west 60' baseball diamond;
- Add a 90' baseball diamond only for baseball practice (no games) and further that no conduits for lighting be installed;
- Eliminate one tennis court, thereby installing two instead of three and further install lighting in the area on timers until 10:00 p.m.;
- Include the in-line skating area and a full basketball court; and
- Look at the youth playground to ensure safety in that area.

The motion passed by the following vote:

Ayes: Council Members - Davenport, Pennino and Sieglock

Noes: Council Members - Warner and Mann (Mayor)

Absent: Council Members - None

Speaking on the matter were the following persons:

1. Ed Wall, Chairperson, Parks and Recreation Commission, explained the position the Commission took on the matter. It felt that the City should proceed with the design which appeared in the Master Plan due to the time, money and effort put into it;
2. Steve Crivelli, 301 North Lower Sacramento Road, Lodi, expressed his concern regarding the amount of traffic this park will generate and safety concerns. Mr. Crivelli would like to see the fields used only for practice and not for games;
3. Tom Alexander, Recreation Supervisor at the Parks and Recreation Department and member of Boosters of Boys/Girls Sports Organization (BOBS), expressed the need for another 90' baseball field in the City of Lodi;
4. Bob Johnson, member of the Parks and Recreation Commission, also expressed to the City Council the reason for the Commission's decision;
5. Bob Hendercart, 62 Elderica, Lodi, urged the City Council to keep this a neighborhood park and not a community park. Mr. Hendercart expressed concerns regarding the lighting of the park, parking and traffic problems, and the congregation of people after hours;
6. Carol Sorenson, 68 North Evergreen Drive, Lodi, also urged that this be a neighborhood park and spoke against lighting and a parking lot at the park;
7. Christine Glass, 2108 Park Oak Drive, Lodi, encouraged the City Council to go with the Master Plan (Plan B) design and to keep open space at the park;
8. Bob Sorenson, 68 Evergreen Drive, Lodi, also objected to tennis courts with lights and the idea of a parking lot. Mr. Sorenson felt that the tennis courts are too close to the edge of the park and requires the need for a buffer; and

9. Pat Dos Reis, 200 Evergreen Drive, Lodi, expressed concerns about the traffic, safety, lighting and the congregation of people after hours at the park. Ms. Dos Reis urged that the City Council keep this a neighborhood park.
FILE NO. CC-6 AND CC-27(c)

12. RECESS

Mayor Mann declared a five-minute recess and the City Council meeting reconvened at approximately 10:40 p.m.

13. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Pennino, Sieglock second, approved retaining Freedman, Tung and Bottomley's services to complete the Concept Development Phase of the Central City Revitalization Program in the amount of \$14,109.00 by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking on the matter were the following persons:

1. Bill Sandeen, 410 South Mills Avenue, Lodi, spoke in support of extending the contract; however, suggested that Freedman, Tung & Bottomley provide design sketches prior to extending this contract so that the City will see what it's paying for;
2. Tony Segale, 215 Palomar, Lodi, expressed support in extending the contract and urged the City Council to move forward;
3. Barbara McWilliams, Posers TVs and Radios, representing the Lodi Downtown Business Association (LDBA), urged the City Council not to delay this project and to move forward; and
4. Elaine Hecker, Gary's Lounge, 13 South School Street, Lodi, also supported extending the contract and to move forward with the project.
FILE NO. CC-72, CC-90 AND CC-300

14. VOTE TO CONTINUE FOLLOWING 11 P.M. HOUR

The City Council, on motion of Council Member Sieglock, Warner second, unanimously determined it would continue with the remainder of the meeting following the 11:00 p.m. hour.

15. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Sieglock, Pennino second, adopted Resolution No. 95-09 awarding the lease of five portable trailers to Allspace Leasing, Inc. of Modesto in the amount of \$96,771.00 by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12(d) AND CC-300

- b) Agenda item #H-4 entitled, "Hazardous substances - recovery of costs" was pulled from the agenda pursuant to staff's request.

16. ORDINANCES

- a) Ordinance No. 1604 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Section 10.40.020 Relating to Bicycle Riding Rules" having been introduced at a regular meeting of the Lodi City Council held January 4, 1995 was brought up for passage on motion of Council Member Sieglock, Davenport second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-66, CC-152 AND CC-149

17. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

18. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming and commented on the following matters: (1) Reminded everyone to be ever mindful of gangs; and (2) Urged citizens to pay attention to what their Council Members are doing.
- b) Council Member Pennino directed staff to move forward with pursuing joint use and fees between the City of Lodi and the Lodi Unified School District for facilities. City Manager Peterson stated that the Assistant City Manager and the Parks and Recreation Director have been meeting with the School District. Mr. Pennino urged for more progress.

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Further, Council Member Pennino suggested that the Consent Calendar be handled as follows instead of the current format:

- Reading of the Consent Calendar by the City Manager;
- Council to pull items, if any, from the Consent Calendar without discussion;
- Citizens' comments on Consent Calendar; and
- Council votes on the remainder of the Consent Calendar and then discusses pulled items.

City Attorney McNatt will research the matter.
FILE NO. CC-1(a), CC-40 AND CC-43

- c) Council Member Sieglock asked that staff put on the next agenda the request from the Lakeshore Homeowners Association to paint red curb.
FILE NO. CC-45(e)

19. CLOSED SESSION

Mayor Mann adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Pending Litigation - Celiz-Lovell v. City of Lodi
- b) Property Negotiation - Lease/purchase of Beckman building
City's Representative: City Attorney Bobby W. McNatt

20. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately 11:45 p.m. and disclosed the following actions:

Pending Litigation - Celiz-Lovell v. City of Lodi

No final action was taken on this matter.


Property Negotiation - Lease/purchase of Beckman building - City's Representative: City Attorney Bobby W. McNatt

No final action was taken on this matter.

21. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 11:45 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk